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Michael Grannan

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GREGG, MARY M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/651,076	Applicant(s) GRANNAN ET AL.	
	Examiner MARY GREGG	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 16-18, 22-24, 50, 51 and 53-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-18, 22-24, 50-51 and 53-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to communications received December 21, 2010. Claim 19-21, 25-28, 42-49, 52 has been canceled. Claims 1-2, 5-8, 16-18, 22, 55-56 and 59-60 have been amended. Claims 11-15, 29-41 have been withdrawn. No new claims have been added. Therefore, claims 1-10, 16-18, 22-24, 50-51 and 53-62 are pending and addressed below.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17 (e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

Response to Arguments/Amendments

Claim Rejections - 35 USC § 103

3. Applicant's arguments with respect to claims 11-10, 16-18, 22-24, 50-51 and 53-62 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,362,836 by Shaw et al. (Shaw), in view of US Patent No. 7,213,005 B2 by Maurad et al. (Mau) and further in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch).

In reference to Claim 1:

Shaw teaches/suggest:

(Currently Amended) A content broker system comprising: a content broker module; and a memory accessible to the content broker module ((Shaw) in at least FIG. 1, FIG. 2; Col 4 lines 10-25, 45-50, Col 6 lines 50-55); wherein the memory stores a device profile table that includes a first data record, identifying at least one media device associated with a user account and a second data record identifying a list of two or more media formats that are compatible with the at least one media device; ((Shaw) in at least FIG. 1; Col 4 lines 12-67; wherein the prior art teaches multiple protocols for application use and display within the user device environment, Col 6 lines 50-62;

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wherein the prior art teaches a “first tier contains a “variety of diverse client devices”...a “second tier having browser interface usable in a standard Microsoft windows environment”...Java interface, Html interface, etc...which fairly suggest identifying device and identifying compatible protocol)

and wherein the content broker module is configured to: ... wherein the second data record is retrieved from the memory and wherein the content provider is distinct from the content broker system and is distinct from the at least one media device ((Shaw) in at least Col 9 lines 15-25, 30-54, Col 12 lines 20-40); receive media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats that are compatible with the at least one media device ((Shaw) in at least Col 4 lines 10-67, Col 6 lines 50-59, Col 9 lines 35-67, Col 10 lines 1-10, Col 12 lines 19-50);...

Shaw does not explicitly teach:

... and wherein the content broker module is configured to: send, to a content provider via a network, the second data record identifying the list of two or more media formats that are compatible with the at least one media device,... and receive a digital rights license key from the content provider, the digital rights license key enabling use of the media content

Hutsch teaches:

...“wherein the memory stores a device profile table that includes a first data record, identifying at least one media device associated with a user account ((Hutsch) in at least para 0018, para 0025-0026, para 0207-0208) ... and wherein the content broker

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module is configured to: send, to a content provider via a network, the second data record identifying the list of two or more media formats that are compatible with the at least one media device, wherein the second data record is retrieved from the memory ((Hutsch) in at least para 0165; wherein the broker checks if service may be accessed by user and whether components for service have been instantiated, and if not then the broker accesses a registry of factories to determine whether components can be instantiated for accessing the requested content; which teaches/makes obvious sending to the provider data identifying components needed for compatibility of media formats thereby suggesting modification of the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3)

Mau teaches:

... and a second data record identifying a list of two or more media formats that are compatible with the at least one media device ((Mau) in at least Col 8 lines 25 V.D, Col 9 lines 50-67 - Col 10 lines 1-10, Col 11 lines 38-67... and receive a digital rights license key from the content provider, the digital rights license key enabling use of the media content ((Mau) Col 10 lines 19-20, 23-28) in response to a subscriber request, the new digital rights license key to authorize the set of new usage rights)

Although Shaw does not explicitly teach “wherein the memory stores a device profile table that includes a first data record, identifying at least one media device associated with a user account”, Shaw does teach a protocol engine uses a database engine to access list to determine appropriate protocol(see Col 12 lines 18-39. see Col 15 lines 3-18). Shaw states explicitly decoding media data for display on a device

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which strongly suggest that the protocol engine accesses the database engine in order to determine decoding for targeted devices.

Both teachings of Shaw and Hutsch are directed toward distribution over a network, Hutsch provides motivation in that if components are not available contacting the factories to obtain components needed in order to media to be utilized. The information sent to the factories strongly suggest information of needed media formats that are compatible media device. Therefore, the prior art would have been obvious for combination as it provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

While the prior art Shaw does not explicitly teach application formats compatible with respect to the devices accessing the applications. The prior art does teach that the applications are downloaded for usage which fairly suggest that the applications format are compatible. The prior art Mau teaches in at least Col 11 lines 38-67 that media distributions comes in various formats in order to distribute different content nature, provide additional preprocessor (filtering, compression, etc...) and to allow for accommodating different content types to allow the introduction of new technology, which provides some teaching, suggestion, or motivation (i.e. applying a known technique to a known device (method, or product) ready for improvement to yield predictable results) in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3

Although the prior art Shaw does not explicitly teach receiving a digital rights license key, the prior art does teach the broker authenticates use of application against database information, and teaches a list of applications that can be presented to the user for application access. Mau teaches the motivation of license keys with respect to application usage so as to provide authorized content to users. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art teachings as there is some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 2143 In reference to Claim 2:

The combination teaches:

(Currently Amended) The content broker system of claim 1 (see rejection of claim 1 above), wherein memory further includes a media asset table that includes a third data record that the media content acquired via the content broker system for the user account from a plurality of content providers, the third data record for each media content item including, a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier ((Shaw) in at least abstract; FIG. 7B; Col 9, Col 8 lines 55-67. Col 11 lines 17-33. Col 14 lines 50-65; (Mau) Col 61 lines 20-22, FIG. 14, FIG. 23-24, FIG. 30-38)

In reference to Claim 3:

The combination teaches:

(Previously Presented) The content broker system of claim 2 (see rejection of claim 2 above), further comprising a single sign-on identity service to authorize access to the user account based on received single sign-on authentication credentials, and to authorize access to the plurality of content providers based on the received single sign-on authentication credential. ((Shaw) in at least col 4 lines 35-45, Col 8 lines 60-67, Col 9 lines 5-15, 30-35, Col 13 lines 40-60).

In reference to Claim 4:

The combination teaches:

(Currently Amended) The content broker system of claim 3 (see rejection of claim 3 above), wherein authorizing access to the plurality of content providers includes: aggregating media content titles of media content available from the plurality of content providers ((Shaw) in at least FIG. 1, FIG. 7B; Col 9 lines 3- 55), receiving subscriber request to access the media content; and sending an access request to the content provider along with the second data record identifying the list of two or more media formats that are compatible with the at least one media device. ((Shaw) in at least FIG. 7A-B; Col 4, Col 5 lines 5-Col 6 lines 1-10)

In reference to Claim 5:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), further comprising a network interface that uses web services protocols to communicate with the content provider via the network ((Shaw) in at least FIG. 2, FIG. 4; Col 1 lines 45- 55, Col 4 lines 15-20, 45-60; (Mau) FIG. 6; Col 25 lines 60-61;

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(Mau) in at least Col 8 lines 25 V.D, Col 9 lines 50-67 - Col 10 lines 1-10, Col 11 lines 38-67).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 6:

The combination teaches:

(Currently Amended) The content broker system of claim 3 (see rejection of claim 3 above), wherein the content provider uses the single sign-on authentication credentials to verify a user's information including the second data record identifying the list of two or more media formats that are compatible with the at least one media device. ((Shaw) in at least Col 4, Col 9 lines 15-25, 30-54, Col 12 lines 20-40; (Mau) in at least Col 8 lines 25 V.D, Col 9 lines 50-67 - Col 10 lines 1-10, Col 11 lines 38- 67).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 7:

The combination teaches:

(Currently Amended) The content broker system of claim 6 (see rejection of claim 6 above), wherein the content broker module receives media content information, the media content, and the digital rights license key from the content provider via the network in response to a content purchase request by the user ((Shaw) Col 4 lines 32-40, Col 8 lines 60-67, Col 9 lines 1-15, 30- 35, Col 11 lines 17-35, Col 13 lines 22-50; (Mau) FIG. 6, FIG. 8-9, FIG. 10, FIG. 12; Col 43 lines 14-45, Col 44 lines 62-64, Col 45 lines 49-52, Col 46 lines 18-20, 46-49, 62-63, 65-68)

In reference to Claim 53:

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The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the memory stores a media asset table associated with the user account, wherein the media asset table indicates usage rights associated with media assets, the usage rights including a right to store the received media content on at least one media device ((Shaw) in at least FIG. 2, FIG. 4; Col 3 lines 50-63, Col 4 lines 15-25, 45-50, Col 5 lines 5-20, 55-67, Col 9 lines 1-9, 30-54, Col 10 lines 1-10; (Mau) Col 10 line 67, Col 11 lines 1-3, Col 14 lines 6-25)

In reference to Claim 54:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the memory stores a media asset table associated with the user account, wherein the media asset table indicates usage rights associated with media assets, the usage right including a right to store received media content in the particular media format (.((Shaw) in at least Col 8 lines 55-65, Col 9 lines 5-14, 30-35; (Mau) Col 10 line 67, Col 11 lines 1-3, Col 14 lines 6- 25)

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 55:

The combination teaches:

(Currently Amended) The content broker system of claim 1 (see rejection of claim1 above), wherein the memory is further to store a log of media assets that have been acquired via the content broker sysm from a plurality of different content providers

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and that are associated with the user account ((Shaw) in at least FIG. 1, FIG. 2; Col 4 lines 10-25, 45-50, Col 6 lines 50-55, Col 3 lines 50-63, Col 5 lines 5-20, 55-67, Col 9 lines 1-9, 30- 54, Col 10 lines 1-10 ;(Mau) Col 14 lines 6-10).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

In reference to Claim 56:

The combination teaches:

(Currently Amended) The content broker system of claim 1 (see rejection of claim 1 above), wherein in response to a user request to reacquire a previously accessed media asset, the content broker module is further to provide to the third party content provider via the network, a license key obtained when the previously accessed media asset was purchased ((Mau) Col 14 lines 12-14, Col 10 lines 19- 20, 23-28)

(see rationale supporting obviousness and motivation to combine of claim 1 above)

7. Claims 8 and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,966 B2 by Abburi et al. (Abb) and further in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch).

In reference to Claim 8:

Abb teaches/suggest:

(Currently Amended) A method of distributing content, the method comprising: electronically sending, usage rights request from a content broker system to a content provider system via a network, the usage rights request requesting usage rights for a media asset ((Abb) in at least Col 15 lines 22-23, Col 16 lines 6-12), wherein the usage rights validate permission to play the media asset at a subscriber media device ((Abb) in

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at least FIG. 25; Col 4 lines 18-15, Col 58 lines 35-45); sending device profile information ((Abb) in at least FIG. 1, FIG. 2; Col 10 lines 1-60-Col 11 lines 1-15, Col 68 lines 50-60, Col 69 lines 1-25) ...the device profile information specifying two or more media formats that are compatible with the subscriber media device ((Abb) in at least Col 10; wherein the prior art teaches explicitly "transfer file from the input format to the output format according to the type of **encoding specified in the dictionary**...packaged (music, eg.) is received in a compressed format such as .wav or .mp3; which suggest that more than one formation specified and would have been obvious "to try" – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success); receiving the media asset from the content provider system via the network ((Abb) in at least FIG. 23), wherein the media asset is received in a media format that is compatible with the subscriber media device, wherein the media format is selected by the content provider based on the device profile information ((Abb) in at least Col 10); and receiving from the content provider via the network, a digital rights license key ((Abb) in at least FIG. 5B, FIG. 18; Col 3 lines 37-50) and information specifying media characteristics of the media asset, the media characteristics specifying the media format and a fidelity ((Abb) in at least Abstract; Col 4 lines 12-29, 39-67)of the media asset ((Abb) in at least Col 9 lines 16-67, Col 10 lines 1-44; wherein the prior art teaches instructions accompany digital content and received input parameters can be specified ...authoring tool can produce multiple variations of the package for multiple pieces of digital content ...parameters embodied in the form of a dictionary...encoding on the digital content ...to transfer the file from the input format to

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the output format according to the dictionary), wherein the digital rights license key authorizes the requested usage rights ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28)

Abb does not explicitly teach:

... sending device profile information from the content broker system to the content provider system via the network...

Hutsch teaches:

... sending device profile information from the content broker system to the content provider system via the network... ((Hutsch) in at least para 0165; wherein the broker checks if service may be accessed by user and whether components for service have been instantiated, and if not then the broker accesses a registry of factories to determine whether components can be instantiated for accessing the requested content; which teaches/makes obvious sending to the provider data identifying components needed for compatibility of media formats thereby suggesting modification of the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3)

Both teachings of Shaw and Hutsch are directed toward distribution over a network, Hutsch provides motivation in that if components are not available contacting the factories to obtain components needed in order to media to be utilized. The information sent to the factories strongly suggest information of needed media formats that are compatible media device. Therefore, the prior art would have been obvious for combination as it provides some teaching, suggestion, or motivation in the prior art that

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would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214.3.

In reference to Claim 59:

The combination teaches:

(Currently Amended) The method of claim 8 (see rejection of claim 8 above), further comprising sending a second usage rights request from the content broker system to the content provider system via the network, wherein the second usage rights request requests include a right to store a previously accessed media asset on a specified device ((Abb) Col 4 lines 20-54, Col 51 lines 31-47; wherein the prior art teaches an (n)th key which suggest multiple usage rights; Col 58 lines 43-49) See also MPEP 2144.04 Duplication of Parts; In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.

In reference to Claim 60:

The combination teaches:

(Currently Amended) The method of claim 59 (see rejection of claim 59 above), wherein the second usage rights request requests include a right to store the second media asset in a specified format ((Abb) in at least Col 10 lines 30-42; Col 51 lines 31-47; wherein the prior art teaches an (n)th key which suggest multiple usage rights

8. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,966 B2 by Abburi et al. (Abb) and US Pub 2001/0034771 A1 by

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Hutsch et al (Hutsch) as applied to claim 8 above, and further in view of US Patent No. 7,054,416 B2 by Meyerson et al. (Mey)

In reference to Claim 9:

The combination teaches:

(Previously Presented) The method of claim 8 (see rejection of claim 8 above), wherein, in response to receiving the usage rights request and the device profile information, ...resolution, fidelity, or bit rate to accommodate the usage right request.

The combination does not explicitly teach:

... the content provider adapts the media asset with regard to media format,...

Mey teaches:

... the content provider adapts the media asset with regard to media format,...((Mey) abstract; Col 11 lines 31-59).

Both Abb and Mey are directed toward providing various media formats. Mey teaches the motivation of users rely on a combination of communication devices and require media content to be compatible with the various devices. Abb teaches explicitly that different devices require different formatting on disparate devices. The prior art therefore provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,066 B2 by Abburi et al. (Abb) and US Pub 2001/0034771 A1 by

Hutsch et al (Hutsch) as applied to claim 8 above, and further in view of Us Patent No. 6,822,663 B2 by Wang et al. (Wang)

In reference to Claim 10:

The combination teaches:

(Previously Presented) A method of claim 8 (see rejection of claim 8 above), wherein a hosting service obtains the digital rights license key ... of the new digital rights license key ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

The combination does not explicitly teach

...and notifies the content provider of receipt ...

Wang teaches:

...and notifies the content provider of receipt ((Wang) Col 10 lines 9-11, Col 14 lines 62-65; wherein in Col 10 Wang teaches when action is done verification notice is sent; wherein Col 14 Wang teaches template includes copyright and content areas in quick message)

The combination teaches explicitly of the new license and key being sent to the user. Wang teaches a message acknowledging copyrights and content areas after adaption is made. A license is permission to use content areas. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a known technique to improve a similar method or product in the same way.

10. Claims 16-18, 22-24 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) in view of and US Pub 2001/0034771 A1 by Hutsch et al (Hutsch), in view of US Patent No.

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7,213,005 B2 by Maurad et al (Mau) and further in view of US Patent No. 6,832,259

B2 by Hymel et al. (Hy)

In reference to Claim 16:

Wang teaches:

(Currently Amended) A system to provide a content brokerage service, the system comprising: a content broker process server to: provide to a subscriber a set of single sign-on credentials that enable the subscriber to access a content brokerage service and access enable the subscriber to a remote content provider ((Wang) in at least FIG. 1 ,FIG. 2; Col 2 lines 32-40, Col 5 lines 49-61, Col 6 lines 55-67, Col 7 lines 1-5, Col 8 lines 5-25);...wherein the set of usage rights validates permission to play the media asset at a the subscriber media device; and a memory to store the device profile ((Wang) FIG. 1, Fig. 2, Fig. 5; Col 5 lines 60-65, Col 6 lines 45-46, Col 8 lines 50-60) ...

Wang suggest:

...and receive from the remote content provider a license key to authorize a set of usage rights associated with a media asset,...((Wang) Abstract; Col 2 lines 30- 40)... wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device ((Wang) Col 5 lines 30-47, Col 8 lines 5-25, Col 11 lines 43-55, 60-67)...

Mau teaches:

...and receive from the remote content provider a license key to authorize a set of usage rights associated with a media asset,...((Mau) Col 12 lines 2-7, 25- 35, Col 14 lines 7-25, Col 22 lines 20-30) Wang and Mau do not explicitly teach:

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... information indicating an amount of memory available at subscriber media device

Hy teaches:

... information indicating an amount of memory available at subscriber media device ((Hy) in at least Col 1 lines 20-32)

Wang does not teach:

... send a device profile to the remote content provider via a network, wherein the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber;...

Hutsch teaches:

... send a device profile to the remote content provider via a network, wherein the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber;... ((Hutsch) in at least para 0165; wherein the broker checks if service may be accessed by user and whether components for service have been instantiated, and if not then the broker accesses a registry of factories to determine whether components can be instantiated for accessing the requested content; which teaches/makes obvious sending to the provider data identifying components needed for compatibility of media formats thereby suggesting modification of the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3)

Both Wang and Mau are explicitly directed toward providing media content to authorized users. Mau teaches the motivation of licensing in order to authorize media

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use, which provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

Both the combination and Hy are directed toward user devices receiving data content. Hy teaches that it is old and well known with respect to certain devices for providers to store device profiles in order to distribute services to the user devices. Hy further teaches that it is old and well known for certain user devices to have dynamic parameters, i.e. available memory and to manipulate the data content in order to meet the dynamic parameters of the user device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art teaching according to known methods as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention See MPEP § 214 3. Furthermore, the prior art provides obviousness as known work in one field of endeavor may prompt variations) of it for use in either the same field or a different one based on design incentives (dynamic variables)or other market forces if the variations are predictable to one of ordinary skill in the art

Both teachings of Shaw and Hutsch are directed toward distribution over a network, Hutsch provides motivation in that if components are not available contacting the factories to obtain components needed in order to media to be utilized. The information sent to the factories strongly suggest information of needed media formats that are compatible media device. Therefore, the prior art would have been obvious for

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combination as it provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214.3.

In reference to Claim 17:

The combination teaches:

(Currently Amended) The system of claim 16 (see rejection of claim 16 above), wherein the content broker process server facilitates distribution of the license key and distribution the media asset to the subscriber media device ((Wang) Col 14 lines 60-65).

Wang does not explicitly teach:

... distribution of the license key and the media asset to the subscriber media device

Mau teaches:

... distribution of the license key and the media asset to the subscriber media device,...((Mau) Col 12 lines 2-7, 25-35, Col 14 lines 7-25, Col 22 lines 20- 30).

(see rationale supporting obviousness and motivation to combine of claim 16 above)

In reference to Claim 18:

The combination teaches:

(Currently Amended) The system of claim 17 (see rejection of claim 17 above), wherein the content broker...

The combination teaches:

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...process server facilitates the distribution of the license key and the distribution of the media asset by sending a request to the remote content provider, wherein the request instructs the remote content provider via the network to send the license key and the media asset to the subscriber media device

Mau teaches:

... process server facilitates the distribution of the license key and the distribution of the media asset by sending a request to the remote content provider, wherein the request instructs the remote content provider via the network to send the license key and the media asset to the subscriber media device ((Mau) Col 16 lines 19-26, Col 10 lines 19-20, 23-28, Col 12 lines 2-7, 25- 35, Col 14 lines 7-25, Col 22 lines 20-30, Col 26 lines 10-20, Col 30 lines 35-60, Col 39 lines 57-67, Col 46 lines 65-67, col 47 lines 1-19, col 50 lines 11-28, Col 78 lines 40-60)

Both the combination and Mau are explicitly directed toward providing media content to authorized users. Mau teaches the motivation of licensing in order to authorize media use, which provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 22:

The combination teaches:

(Currently Amended) The system of claim 16 (see rejection of claim 16 above), wherein the device profile specifies includes a memory address that identifies a free

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memory block to store distributed content data ((Wang) FIG. 1, FIG. 2; Col 6 lines 47-56, Col 9 lines 66-67, Col 10 lines 2-10).

In reference to Claim 23:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the memory is further to store content asset information within a media asset table, the content asset information including an indicator specifying media format of one or more media assets authorized for use by the subscriber ((Wang) FIG. 1, FIG. 2, FIG. 5; FIG. 10, Col 10 lines 13-25, 50- 52, Col 5 lines 60-65, Col 6 lines 45-46, Col 8 lines 50-60).

In reference to Claim 24:

The combination teaches:

(Previously Presented) The system of claim 23 (see rejection of claim 23 above), wherein the content asset information stored in the media asset table further includes purchase data ((Wang) abstract, Col 2 lines 55-60, Col 6 lines 46-55).

In reference to Claim 62:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the set of usage rights comprises a right to store (copy) the media asset in a specified format of the plurality of media formats that are useable by the subscriber media device((Wang) abstract, Col 2 lines 55-60, Col 6 lines 46-55)

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11. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch), and in view of US Patent No. 7,213,005 B2 by Maurad et al (Mau), US Patent No. 6,832,259 B2 by Hymel et al. (Hy) as applied to claims 16 and 21 above; and further In view of US Patent No. 7,028,340 B1 by Kamada et al. (Kam) in view of US Patent No. 7461142 B2 by Wadekar (Wade)

In reference to Claim 50:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above)

The combination does not teach:

...wherein the device profile information further includes one or more of a media access control (Mac) address of the subscriber media device and a serial number of the subscriber media device.

Wade teaches:

... includes one or more of a media access control (Mac) address of the subscriber media device ((Wade) in at least abstract; Col 1)

Kam teaches:

...a serial number of the subscriber media device .((Kam) in at least FIG. 2; Col 4 lines 63-67-Col 5 lines 1-7).

Both the combination and Kam are explicitly directed toward controlling content on various devices. Kam teaches identifying devices with respect to the licensing of the device. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to utilize a known technique to improve similar devices (methods, or products) in the same way.

Both the combination and Wade are directed toward communication networks comprising numerous network devices interconnected by communications media, which incorporates relaying and/or routing information to the various devices. The prior art Wade teaches that it is typical (i.e. old and well known) with respect to direct data in a computer network to rely on routing and/or address tables (i.e. Mac address) to send data to correct destinations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art teaching as known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

12. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch),and in view of US Patent No. 7,213,005 B2 by Maurad et al (Mau), US Patent No. 6,832,259 B2 by Hymel et al. (Hy) as applied to claim 16 above; and further In view of US Patent No. 7,203,066 B2 by Abburi et ah (Abb)

In reference to Claim 51:

The combination teaches:

(Previously Presented) The system of claim 23 (see rejection of claim 23 above), wherein the content asset information further includes, for each of the one or more media assets, a media asset identity, a media asset title, and a media asset category.

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13. Claim 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,362,863 B1 by Shaw et al. (Shaw), in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch),and US Patent No. 7,213,005 B2 by Maurad et al (Mau) and as applied to claim 1 above, US Patent No. 6,822,663 B2 by Wang et al. (Wang)

In reference to Claim 57:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the device profile table further includes...

The combination does not explicitly teach:

... device portability information

Wang teaches:

... device portability information ((Wang) Col 2 lines 30-40)

The combination teaches disparate formatting requires for specific devices and teaches keys available for the multiple devices. The combination teaches a metadata template the includes data fields required by end-user devices. Wang teaches that many devices do not have the capability of other devices ((Wang) Col 1 lines 39-41). Wang teaches a graphical layout to display a number of device types and then list of device names for the user to chose from ((Wang) Col 9 lines 30-35, 45-49). The combination teaches a database that is user accessible provided by the Content Provider to retrieve as much data as possible ((Mau) Col 61 lines 20-21), where the Content provider can tailor the template to identify the types data the Content provider

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can provide the end-user ((Mau) Col 61 lines 24-26). The combination teaches explicitly that the user condition definitions in Col 62 lines 20- 51, which includes what kinds of media the user can use the copies on. Wang is teaches the motivation of optimizing the source content according to the capacities of the device and teaches a need for a system that allows translation across multiple computer devices for greater convenience. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the combination teachings with the teachings of Wang in order to optimize the source content with the user devices.

14. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,362,863 B1 by Shaw et al. (Shaw), in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch) and US Patent No. 7,213,005 B2 by Maurad et al (Mau) as applied to claim 1 above, and further in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb).

In reference to Claim 58:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the device profile table further includes information related to whether a specified subscriber media device includes ((Shaw) in at least FIG. 2, FIG. 4; Col 3 lines 50-63, Col 4 lines 15-25, 45-50, Col 5 lines 5-20, 55-67, Col 9 lines 1-9, 30-54, Col 10 lines 1-10)

The combination does not explicitly teach:

... a removable memory

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Abb teaches:

... a removable memory ((Abb) Col 7 lines 27-35)

Abb is explicitly teaches licenses synchronized for multiple user devices. As taught by the combination each separate user device not of the same type requires different media formats and teaches of a need for the media data to be formatted for specific device types. Additionally, Wang teaches the motivation to optimize the source content according to the capabilities of the selected device and the flexibility of utilizing content across multiple devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the teachings of Abb which teach using multiple diverse devices the teachings of Wang to optimized media formats for separate user devices.

15. Claim 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) in view of US Pub 2001/0034771 A1 by Hutsch et al (Hutsch)and US Patent No. 7,213,005 B2 by Maurad et al (Mau), in view of US Patent No. 6,832,259 B2 by Hymel et al. (Hy)as applied to claim 16 above and further in view of US Patent No. 7,203,066 B2 by Abburi et al (Abb).

In reference to Claim 61:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the set of usage rights...

The combination does not explicitly teach:

... comprises a right to store (copy) the media asset on a the subscriber media device ((Abb) Col 2 lines 55-64, Col 3 lines 1-10)

Both the combination and Abb are explicitly directed toward accessing source material for computer device. The combination teaches explicitly of source material and devices needing to be compatible. Abb teaches device identifiers to coordinate with license to control source access within the criteria of the provider. The combination teaches limited accessibility to protect the rights of the source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings the combination and Abb to further provide access to the source material.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3694

/M. G./
Examiner, Art Unit 3694